THE HON'BLE SRI JUSTICE

C.V.RAMULU

W.P.No.10434 of 1997

Dated:07.2.2007

Between
G.Subbarayudu

.....Petitioner

and

1. Additional Registrar of Co-operative Societies, Hyderabad and others.

...Respondent

THE HON'BLE SRI JUSTICE

C.V.RAMULU

W.P.No.10434 of 1997

ORDER:

This writ petition is filed seeking a Certiorari to call for the records relating to the proceedings in Rc.No.53346/96-L1 dated 5.2.1997 on the file of the 1st respondent and to quash the same as arbitrary and illegal and to direct the respondents to implement the orders of the 1st respondent regarding the payment of the salary and reinstate the petitioner into duty.

It appears that initially the petitioner was appointed as Paid Secretary in Konejude Primary Agricultural Cooperative Society. Thereafter, in the year 1992 he was

transferred and posted in Kondamanjuluru Primary Agricultural Cooperative Society. Subsequently he was placed under suspension on 26.4.1995 by the General Manager, Prakasam District Cooperative Central Bank Limited, Ongole, basing on certain allegations made by the Ex- President of the Society. After receipt of the enquiry report, the 2nd respondent directed the President of Kondamanjuluru PACS to reinstate the petitioner. When the petitioner submitted his joining report on 27.3.1996, the 3rd respondent did not permit him to join duty. The petitioner alleged that he was neither paid the salary nor any subsistence allowance for the suspension period from 26.4.1995 to 26.4.1996. Therefore, earlier he filed a writ petition No.19457 of 1996 before this Court and the same was disposed of directing the petitioner to file a petition

before the Registrar of Cooperative Societies and the same was disposed of by an order dated 5.2.1997, which is impugned herein.

I am of the opinion that the writ petition is misconceived. In fact, the revision filed by the petitioner was answered in his favour and the society was directed to pay salary and other subsistence allowances for the suspension period.

Learned counsel for the petitioner submits that in the impugned order some observations have been made stating that the Society is at liberty to recover the misappropriated amounts from the petitioner. Therefore, such observations made in the impugned order are liable to be set aside.

In fact, they are not observations and they are only extracts of the order of suspension passed against the petitioner

and they will not have any bearing for the purpose of deciding this writ petition. Writ petition is devoid of merits and is liable to be dismissed.

Writ petition is accordingly dismissed. No costs.

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07-02-2007

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